

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DANIEL J. SIMMS,

Petitioner,

v.

REED HOLTGEERTS,

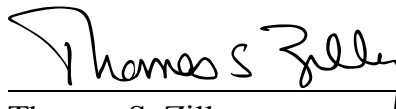
Respondent.

)
) Case No. C06-879-TSZ
)
)
)
) ORDER OF DISMISSAL
)
)
)
)
)

The Court, after careful consideration of petitioner's petition for writ of habeas corpus, the briefs and governing authorities, the Report and Recommendation of the Honorable James P. Donohue, United States Magistrate Judge, and the balance of the record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation.
- (2) Petitioner's federal habeas petition (Dkt. No. 6) is DISMISSED without prejudice.
- (3) The Clerk is directed to send copies of this Order to all counsel of record and to Judge Donohue.

DATED this 4th day of December, 2006.



Thomas S. Zilly
United States District Judge

01
02
03
04
05
06
07
08
09
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26